THE

ALARM;

OR, THE

IRISH SPY.

IN A

SERIES of LETTERS

FROM

[redacted]

TO A

[redacted]

[redacted]

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ADVERTISEMENT.

THE ALARM, &c.

LETTER I.

Dublin, May 14, 1779.

MY LORD,

YOUR Lordſhip's choice of me from a body who have been equally diſtinguiſhed for their political information, and the extenſion of literary knowledge, demands the utmoſt exertion in your ſervice of whatever abilities nature or ſtudy may have given me. I ſhould, I own, be diſtruſtful of theſe abilities

abilities, did not your Lordſhip's choice confer a ſanction upon them, and almoſt excuſe the vanity of my ſuppoſing myſelf worthy of that flattering diſtinction. Yet, my Lord, I muſt claim an indulgence for thoſe inaccuracies which long abſence may give my phraſeology, or a reſidence in other kingdoms involve my ideas of Government in; though I hope that induſtry may be preventive of any material errors in either. It is now my duty to endeavour to deſcribe accurately to your Lordſhip the genius and diſpoſition of the Iriſh at preſent. This I ſhall endeavour, though diffident of my own judgment; particularly when I reflect, that your Lordſhip, by being a member of the Iriſh Legiſlature, has a right to challenge a better acquaintance with the intereſts of this kingdom than I can poſſibly have acquired; and, when I conſider that your Lordſhip is ſurrounded by men of the moſt eminent abilities in every ſpecies of literature, I grow more fearful of hazarding opinions to a mind,

mind, perhaps, pre-occupied with more juſt ideas of the ſubjects I am to diſcuſs; but, as your Lordſhip has made it my duty, and as I know you to be above prejudices, I will, in obedience to your directions, ſend you, from time to time, ſuch an account of whatever may appear to deſerve your attention, as I can procure, either by inquiries among my *brethren* diſperſed through the kingdom, or by perſonal obſervation in that tour which you have wiſhed me to make. But in this, as I know your Lordſhip deſires rather the features of men, than the pictures of countries, I ſhall not give any attention to deſcription, except where the view of the ſpot may tend to elucidate the manners of the people; and ſhall rarely riſque an opinion where I am not ſupported by popular, if not ſuperior, arguments.

With gratitude for the diſtinction conferred on me, and for the favours I have experienced, I have the honour to be, &c.

LET-

LETTER II.

Dublin, May, 1779.

MY LORD,

ON my arrival at Dublin, in purſuance of your directions, I ſounded the people of my acquaintance in general, with regard to the popular alarm on your ſide of the water, of an *inſurrection* here. In order to effectuate this thoroughly, I made or renewed as many acquaintances as poſſible. Curioſity, with all nations not much uſed to trade, is a leading feature. A foreigner, then, or a native who has ſpent any conſiderable time abroad, is here an object greatly exciting that paſſion. Guided by this clue, I have got admittance into many ſets of people, very different as to principles, yet all united in the idea of ridiculing that ſuppoſition, as illuſory and imaginary. "An inſurrection," ſay they, "can be only formidable from its "leaders, and we have no man ſufficiently

"diſtinguiſhed

"diſtinguiſhed by fortune, power, or abi-
"lities, to direct a popular commotion.
"Phrenzies of the common herd are not
"to be dreaded. Like raging tempeſts,
"too violent to be laſting, they terrify for
"a moment, but want a uniformity of mea-
"ſures to make the terror permanent."

Upon an inquiry into the cauſes which have left Ireland thus deſtitute of leaders, I find, that the want of thoſe objects of intereſt or ambition, which have in all governments, and at all times, called forth great abilities in the purſuit of them, is the grand preventive of every ſpirited exertion, whether popular or factious. Your Lordſhip's example is too illuſtrious for me not to lay hold of, as a confirmation of what I advance. Abilities like your's might ſtimulate the people to make ſome endeavour worthy of ſuch a leader; but, while your Lordſhip has ſuch a counterpoiſing intereſt in England, this circumſtance may be talked of, but cannot be expected. The few men reſident here, who

even nominally are men of property, have their eſtates ſo incumbered with debts, and ſo covered with *Cuſtodiams**, a ſpecies of legal cruelty happily unknown on your ſide of the water, that, while (*"for any change muſt better their condition,"*) their neceſſity

* Cuſtodiam is the practice chiefly complied with in Ireland after judgment. The plaintiff, inſtead of obtaining the poſſeſſion of a moiety of the defendant's eſtate by Elegit, proceeds to an *Outlawry*, in conſequence of which the lands of the defendant become veſted in the Crown, which, on application in the revenue ſide of the Exchequer, grants them in cuſtodiam to the plaintiff, who is now called the Cuſtodee, and is to remain in poſſeſſion until the demand which he has againſt the defendant is ſatisfied, and all other creditors are precluded from reſorting to the lands, however greater their demands, or however prior in time: ſo that you may frequently ſee the creditors of a large eſtate, like ſo many jockeys, whipping and ſpurring for the poſt at the end of a heat, endeavouring who ſhall firſt lodge their Outlawry with the Sheriff. For, as the cuſtodee has only the power of attaching the under-tenant, and the landlord cannot diſtrain, fearful of incurring the conſequences of a contempt of the Courts, the tenants avoid paying the landlord or cuſtodee, and the debt remains an incumbrance on the eſtate, equally diſtreſſing to the debtor and creditors; for they have no remedy againſt the cuſtodee, but by a bill to compel him to compute, to which a *clean*-handed attorney will contrive ſuch an anſwer, or, upon any motion, prepare ſuch affidavits, as ſhall induce inconceivable delays. An eſtate of nearly 6000l. per ann. has been known to be held under a Cuſtodiam for more than three years, for the payment of only 400l. to the preclusion of creditors for larger ſums; yet no want of legal diligence!

fits

fits them for every ſcheme of deſpair, their total poverty incapacitates them from the execution of even the moſt laudable deſigns. On your ſide of the water, on the contrary, the objects of ambition are many; thoſe of intereſt yet more; it is not, therefore, to be wondered that Iriſh abilities are more frequently exerted with you, where the diſtribution of the *loaves* and the *fiſhes* remains, that in a contention at home for (as SWIFT calls it) their "*brogues and their butter-milk.*" Even the merit, which will obtain a penſion on their own eſtabliſhment, muſt be that of contriving heavier burthens for the nation; to gain which pittance, the neceſſity I have already mentioned fully fits thoſe who are able to procure ſeats in the ſenate, which are only held deſirable, as being the way to places or preferment; for Government here has conſtantly acted conformably to a maxim of Tacitus: "Cæteri nobilium, quanto "quis ſervitio promptior, officio & hono-"ribus extollerentur*." Thus, while

* Annal. Lib. I.

only ſenators can be conſequential enough to take a lead in popular diſturbances, they rather chuſe to be the inſtruments of thoſe needy ſtateſmen who are ſent over to rule them, than to take thoſe ſteps which while they may emancipate their poſterity, alarm themſelves with the apprehenſions of preſent poverty. But, excluſive of this, a very large body of the people are ſo cloſely attached to the preſent Adminiſtration, that, unleſs greater advantages than any change of it can afford, even though the event, ſo much deſired by all good men, of your Lordſhip's becoming our ſtate pilot, were to be the conſequence, that a regular oppoſition, formidable to any inſurrection, however powerful, muſt be expected; an oppoſition to which every internal reſource of the inſurgents muſt prove inadequate, even if England ſat a ſilent ſpectator of the confuſion, and left Ireland to act as arbiter of its own diſturbances. Your Lordſhip will

will readily advert to the Roman Catholics. You will remember, too, when I talk of that body of people, that I ſpeak as a politician, not as a religioniſt. *David Hume*, whom your Lordſhip muſt allow to have had no bias of that kind, talks of them as a people, "loyal from principle, attached to "regal power from religious education, uni-"formly oppoſing popular phrenſy, and "zealous vindicators of royal prerogative." To theſe religious characteriſtics may be added, their obligations and gratitude to miniſterial indulgence. Bound for a ſeries of years by the fetters of perſecution, and conſidering their intereſts as ſeparate, if not oppoſite to the ſtate, the preſent Miniſter has been hardy enough to break the principal links of their old chain, and fetter them anew to himſelf. That this ſuppoſition is not too bold, will be evident, I doubt not, to your Lordſhip, if you will reflect, that for many years backward, the Roman

Catholics

Catholics in that country in vain requeſted any, however ſmall, alleviation of the burdens impoſed upon them by thoſe ſevere acts of parliament which the neceſſity of former times had framed for the prevention of the growth of Popery. Until the laſt ſeſſions here, the idea of diminiſhing or relaxing thoſe laws was univerſally reprobated by every order in Parliament; but, when at that time it received miniſterial ſanction and ſupport, it was the fortune of that queſtion, which might long ſince have been as liberally diſpoſed of, to attach that body of the people to the Engliſh Miniſter, not to the Iriſh Parliament.

A body, thus formidable, (being, by parliamentary computation, as ſeven to one; but which, on preſent inquiry, would appear to be much more,) muſt be too dangerous for any inſurrection of men of diſſenting or republican principles not to fear a competition with, eſpecially if your Lordſhip recurs to what I have already advanced;—the

total

total want of leaders to make any force even if united, powerful. A very few years ago there remained one object, indeed, for ambition in Ireland, the dignity of *Lord Juſtice*. The needineſs, or the cunning of a late chief Governor * has removed even that inſtrument of rivalſhip, and made that a reward to ſenatorial obedience in the Houſe of Lords in England, which before ſerved to excite the induſtrious or ambitious, among the Iriſh, to endeavour to attain it. Hence a man of conſiderable fortune, or eminent abilities, is rarely ſeen here, except to renew leaſes, or, perhaps, to take his ſeat in one of the Houſes here, as a feather in the cap, leſs of uſe than ornament; or like a young actor, who rubs off his *mauvaiſe honte* in a country town, to fit him for a larger theatre.

I have, &c.

* Lord Townſ—d.

LET-

LETTER III.

Belfaſt, June 18, 1779.

MY LORD,

SINCE my laſt, I have continued my reſearches, and have found no reaſon to change the poſitions I therein advanced. In my progreſs northward, though I have found ſtrong military aſſociations, yet the beſt inquiry I could make, convinced me that, to whatever purpoſe they may be perverted, yet they were framed for that of national defence from foreign invaſion. The idea of an union between Britain and this kingdom has been induſtriouſly diſſeminated here: but you, my Lord, muſt know there can be no foundation on which ſuch an union can be ſo erected as to give it ſtability. The vaſt incumbrance of the national debt in Britain, daily too increaſing, by the heavy expences of the preſent war, has ſo involved

volved in taxes every article of commerce, whether intended for domeſtic uſe or foreign conſumption, that Ireland, if ſhe were united to Britain, and unburdened with this national incumbrance, muſt underſel her in every foreign market: and if reſtrained by any proportionate ſhare, ſuch a burden would ſo operate, through the poverty of the nation, as to become a total check to their trade, which is already pretty well deſerted. The Roman Catholics, who for the moſt part carried it on, having now an opportunity of taking long leaſes, have converted their merchandize into caſh, and ſecured themſelves by intereſts as nearly real eſtates as almoſt is poſſible *. Thoſe, then, who are moſt credited by the public here, inculcate this doctrine on their minds, "That, "to accept of an union upon any terms,

* Roman Catholics are enabled, in Ireland, to take leaſes for 99 years, and mortgages of real eſtates, for money lent by them; which before the late act they were incapable of. This has occaſioned all money lent upon ſimple contract to be called in, unleſs ſecured by mortgage, and has been productive of the withdrawing much money from trade.

"would be nugatory and ridiculous for "them to receive, and uſeleſs to Britain to "grant;" and their wiſh is to have the reſtraints removed rather by any other means than one which, while it gives the ſpecious ſhow of utility, really deſtroys the chance of the advantages hereafter to be expected by them. For, they argue, "That empire "is now taking its progreſs weſtward, and "that Europe will dwindle into that infe- "rior ſituation, with regard to America, "that the *African* and *Aſiatic* provinces "now bear to *her*; that it is, therefore, at "this time, the intereſt of Iriſhmen to look "to the advantages of their poſterity, and "endeavour to eſtabliſh themſelves inde- "pendent of England as a key of com- "merce between Europe and America:" and they alſo aſſert, "That, if they unite "themſelves with the wreck of Britain, they "muſt ſink with her under the daily ag- "gravated burthens of her national incum- "brances."—Theſe obſervations ſeem to counter-

counteract thoſe already made with regard to inſurrections; but your Lordſhip will remember that I principally reprobated commotions, from their being ſimilar to thoſe ſo frequently ſuppreſſed, of the White Boys, Hearts of Steel, Oak Boys, &c. deſtitute of leaders to make their motions regular, or their attempts formidable; not thoſe wherein the expectation of a great part of the nation leads them to believe they will be offered national independence by foreign aſſiſtance. And, in this idea, whatever Addreſſes or Reports on the other ſide of the water may ſay, all perſuaſions are united; the Roman Catholics, from the ſimilitude of religious ſentiments; the Proteſtants, from the conduct of the French with regard to America; and all ſects and denominations, from the decay of their trade, and the continuance of every check to it, which is deſtructive and enſlaving: for, ſay they, "The "reduction of a whole people to ſlavery, "upon raiſing the arm to reſiſt injuries, is

"not

" not the doctrine of this day; the powers
" of Europe think themſelves bound in
" honour and intereſt to prevent it. In-
" tereſt, to the diſgrace of Monarchs, muſt
" be acknowledged to be concerned; and
" it is well that even that is left as a coun-
" terpoiſe to lawleſs force. Had *Corſica*
" been capable of preſenting that imme-
" diate proſpect of advantage which Ire-
" land can afford to her defender, the *French*
" would not be at this time in peaceable
" poſſeſſion of the whole iſland. In poſſeſ-
" ſion, however, they are; which, as well
" as the Britiſh dominions in *Canada*, ſhew
" that a *people may change their Sovereign*,
" and yet enjoy their properties, cuſtoms,
" and laws."—And this doctrine is not new; for the French have, for a ſeries of years paſt, affected to ſpread reports of their maintaining the independence of Ireland, and fixing it upon as firm a foundation as that of America, if the Iriſh have virtue enough

enough for the conteſt. On the other hand, it is argued againſt any endeavours for the independance of the Iriſh being ſucceſsful, and againſt the ſuppoſition of the aſſiſtance of France being any way uſeful to that end, That the vicinity of England muſt totally prevent ſuch efforts of either the Iriſh or French from being practicable; for, while Ireland, from its total want of marine force, muſt be precluded from reaping any of its natural advantages itſelf, and while the Britiſh navy rides triumphant over the ocean, the ports of Ireland muſt remain ſhut up from every other nation. But it is contended, by the ſticklers for independence, "That their ports (except in one article of "conſumption, the *linen manufacture* which "has decreaſed exceſſively in its exports "ſince the preſent impolitic war with "America) cannot be more ſhut up than "they are already: that the conſumption "of their cattle has been ſo barred by a

"prohibitory

" prohibitory proclamation, as to almoſt
" induce a national bankruptcy: and, more-
" over, that, as France declares her intention
" of ſupporting them in a free and inde-
" pendent ſtate, it would be madneſs in Ire-
" land to refuſe it; eſpecially when it is re-
" membered, that in the courſe of the laſt
" war, while Britain, with the aſſiſtance of
" Ireland and America, guided by a ſtateſ-
" man * who ſeemed fortunate enough to
" have hit the caprice of that nation, con-
" tended againſt her, there was little of that
" equality wanted between the two powers
" which the ſeparation of America from
" Britain has given to France. And it muſt
" be therefore evident, that the propoſed
" alienation of Ireland from England muſt
" give ſuch a ſuperiority to the French
" ſcale, as to enable them to maintain Iriſh
" independence, and thereby thoroughly and
" laſtingly outweigh Britain in Europe, by
" depriving her from ever turning to ad-

* Lord Chatham.

" vantage

"vantage the natural resources of that coun-
"try, which were well known to all Eu-
"rope so early as the days of *Agricola*; for
"it is described by Tacitus, "Hibernia
"medio inter Britannium atque Hispaniam
"sita, & Gallico quoque mari opportuna."
"Melius aditus portusque per commercia et
"negotiatores cogniti"--And that, if the Irish
"unite themselves, they may become able
"to enjoy those benefits which, though given
"to them by Nature, the envy of their
"neighbours had denied them:—a most
"culpable envy in Britain; for it manifested
"a forgetfulness that all the advantages of
"the trade of Ireland must ultimately re-
"sult to England, as long as her dominion
"over that country remained uncontro-
"verted." How far these latter argu-
"ments may take effect, or whether France
will be equally successful in her detachment
of Ireland from Britain, as she has been in
that point with regard to the American
provinces,

provinces, is a queſtion yet to be decided. National *Independence*, however, is a doctrine which has never been given up by the Iriſh, though frequently, but particulaly lately, controverted by the Engliſh. The Preſbyterians, too, which may be called the ſteady part of the nation, as they have at all times maintained their principles uniformly, have this character of *Independence* as the very contour of their religion. And, in the late act of parliament for relief of the ſubjects of Ireland profeſſing the Roman Catholic religion, and *eſtabliſhing* that religion by law, there was a particular neglect of that part of the nation: for they then requeſted a repeal of the ſacramental teſt, which was firſt impoſed upon them in a clauſe of one of theſe acts for preventing the growth of Popery which the legiſlature had juſt at that time thought fit to abrogate. But, as they had only the popularity and juſtice of the meaſure to recommend it, that

which

which was granted to the Roman Catholics at the nod of the Miniſter, was denied to their petitions, of which the conſideration was poſtponed to a future day. You will not wonder, then, my Lord, if, thus diſcontented, they ſhould be ready, on any opportunity, to imitate the exertions of their religious brethren on the other ſide of the Atlantic, eſpecially when the ſucceſs there marks out what may be expected here.

I am, &c.

LETTER IV.

Londonderry, June 29th, 1779.

MY LORD,

MY progreſs northward has aſſiſted me to form a more thorough opinion of the principles of the Preſbyterians in this kingdom,—their religious hatred of epiſcopacy—the lay government of their church,—their diſreliſh of their preſent Parliament in Ireland, which was occaſioned, as I before hinted, by the refuſal of a repeal of the Teſt Act, which, they ſay, roſe from the obedience of the Iriſh Parliament to the preſent Adminiſtration in England, to whoſe mandates, they ſay, that ſenate ſhews a complaiſance and good-breeding only to be equalled by that of the uſurper of *Brentford*, in the *Rehearſal*.

"Their bills are welcome, whatſoe'er they are."

This teſt act, which obliges them to take the

the ſacrament according to the modes of the eſtabliſhed church, on their being appointed to any office, or acquiring any employment, they condemn as a hypocritical and ſhameful perverſion of a religious duty to a mere ceremonial compliance with a civil inſtitution:—"A line, ſay they, "only broad enough to prevent the "virtuous and the moral of that ſect from "the enjoyment of places and emoluments, "while the leſs heſitating, the knaviſh, and "the irreligious, over-leap it eaſily."—How far theſe arguments are concluſive, I cannot, though plauſible, determine. In every ſtate there ſhould be ſome ruling religion; and there is no mode of marking out the members of religious ſocieties, but from their obſervation or performance of ſome religious ceremonies. I ſcruple to ſay, then, how far the Preſbyterians can juſtly condemn this ſmall diſtinguiſhing mark of the eſtabliſhed religion being held

out

out as a qualification for place or employment under a government which is, by the very expreſſion, "religion eſtabliſhed by law," underſtood to be at the head of that "religion;" which ſacramental qualification is the only prevention of their enjoyment of theſe lucrative diſtinctions, which no act has yet extended to the much-envied Roman Catholics.—The declenſion of their trade, occaſioned by the preſent war with America, is another cauſe of outcry. In the early period of the war, many of the merchants in theſe parts were ſuſpected of having helped to ſupport it: and theſe ſuſpicions went ſo far, that, in the firſt part of the military diſturbances there, ſome of theſe ſuſpected traders were examined before the Privy Council. Yet, ſo altered is their preſent diſpoſition, or ſo artful their preſent appearance, that they were the laſt who entered into theſe aſſociations which have been formed throughout the kingdom,

agreeing

agreeing to a non-importation of British goods, though the firſt who framed military bodies; but whether for the purpoſe of national defence, or with a deſign of imitating their brethren in the reign of Charles I. who took up arms in ſupport of the Crown, and cut off that king's head in defence of his perſon, poſterity may determine.

There is, however, ſcarcely a town here without its quota of volunteers, men well armed, accoutred, and equipped, whoſe bias leads them to embrace offered independence, whoſe anceſtors came over with *Cromwell*, or ſettled here after the defeats of the Boyne and Aughrim, and whoſe chief glory are the titles of Republican and Independent. In the northern and ſouthern parts of the kingdom, there are at leaſt twelve thouſand men embodied, of whom the one part from principle, the other from intereſt, are attached to theſe, at preſent popular, ſentiments.

You have expreſſed a ſurpriſe at my not having

having adverted to the aſſociations of the non-importers before this: but, as it was neceſſary for me to trace them to their ſource, I delayed writing till I could be able to fully inveſtigate, not only the deſign, but the cauſes of theſe determinations; which gave me an occaſion of conſulting, not only many men, but (what may appear more ſtrange) many books, much out of my courſe of reading, and compelled me to make many inquiries in a part of learning almoſt unknown to me. The fruit of this labour ſhall be contained in my next, and a few ſucceeding letters. It is neceſſary now to ſay that theſe aſſociations encreaſe daily, and that a man who would even argue, much leſs act againſt them, would become obnoxious to the reſentment of the populace.

I am, &c.

LET-

LETTER V.

Galway, July 5, 1779.

MY LORD,

IN my laſt I promiſed to point out to your Lordſhip the cauſes of the preſent aſſociations in Ireland, as to their trade with Britain, and the original of their reſolutions of non-importation thence. In order to do this, I muſt attribute them to that want of policy which lighted up the torch of diſſention between Britain and her Colonies. To prevent a continuance of this flame, Britain forbade Ireland to adminiſter any ſupport to America, and iſſued a proclamation, laying an embargo upon all the ports of this unhappy kingdom. How far embargoes are juſtifiable, and how far proclamations are of force, if not ſanctified by an act of parliament, is for the gentlemen of the long robe to determine. However, I

have

have had the beſt information, that in one of the debates in the laſt ſeſſion of the Iriſh Parliament, authorities * were adduced in the ſupport of this prerogative claim, where the text militated with the context, and the oratory of the Iriſh P—me S—j—t took the lead of the law arguments of the very ingenious Daly, and the eloquent Grattan, who adduced the venerable names of Coke and Rolle, which were outweighed by thoſe of Davies and Bacon; names, on your ſide, remarkable for ſtraining the law to favour prerogative, and for advancing the regal power at the expence of the liberties of the people. As I recurred on this occaſion to

* Nul ſuject puiſſoit paſſer ouſter le mer ſans ſpecial licence del Roy.——So far was cited by the Iriſh P—me Serjeant, as an authority for royal proclamation impoſing embargoes: but he cited not what follows; "Mes la eſt enact que la mer ſoit ouvert a touts merchants."

Sir John Davies, 56.

And he cited Bacon for the ſame purpoſe, who is expreſsly in point for him: but that prerogative lawyer, in the next maxim but one, gives the king the abſolute right of taxing every commodity imported or exported the kingdom; and he may hereafter be equally happily cited officially, for that purpoſe, by the preſent P—me Serjeant.

Vide Bacon's Elements of Law.

the

the original authorities adduced by theſe gentlemen, I ſhall refer your Lordſhip to the citations of them which I have ſubjoined.

The conſequence of a parliamentary deciſion in favour of this prohibitory proclamation, was almoſt a total ruin to the graziers and ſlaughterers of Ireland, of whom the majority of the trading part of the kingdom conſiſts; as three parts in four of Ireland lies under grazing. "Poverty "will make even a wiſe man mad." What wonder, then, if national heart-burnings ſhould ariſe; when, already deſpoiled of the beſt part of the export of their linen, on account of the war with *America*, they diſcovered that this prerogative queſtion had been conteſted by Miniſtry, merely for the advantage of a few Engliſh and Scotch contractors, their adherents, and that national intereſt was poſtponed to a monopoly enjoyed by thoſe individuals, who had, at beſt only the merit of obedience to Miniſters, or,

perhaps, that of yielding up a ſhare of the plunder acquired by their fraud, as a reward agreed upon for their contracts, in order to enable Adminiſtration to pay for their happy influence on the parliamentary defenders of thoſe leeches * who thus adhere to the public with their contracts, nor quit their hold till replete with the blood of the community.—This was evinced, in the courſe of the laſt ſeſſion here, by a continued conteſt for an inquiry into the conduct of a Scotch commiſſary ‡ in one of the principal ports of the kingdom, who was charged with peculation and fraud, in the execution of his office. This examination was combated againſt miniſterially, and therefore refuſed. Yet, if the perſon accuſed was innocent, it could not be kindneſs to him that ſcreened him from inquiry; and, if guilty, it was, ſurely, the groſſeſt inſult on the dignity and feelings of the people.

* Non miſſura cutem niſi plena cruoris hirudo.—*Hor.*

‡ Mr. G—d—n.

The

The conſequences of the embargo were not *immediately* felt. In this part, the landholders depend upon the produce of their wool, for the payment of their rents. The want of that money, which came through the hands of the ſlaughterers, ſalters, coopers, &c. formerly, and which was now monopolized into thoſe of the Engliſh and Scotch contractors, reduced the price of wool from 15s. to 9s. the ſtone. So great a reduction cauſed an univerſal ſtagnation of payments. Two-fifths of the expected rents were gone. Conſequent bankruptcies of the principal trading houſes followed a want of punctuality in their correſpondents depending on this trade. Something was to be done, and men began to ſpeculate on means to make that commodity valuable internally, which impolitic laws had prohibited the ſale of externally, and the conduct of an impolitic Miniſtry had ſo greatly decreaſed in its value at home. It was readily perceived, that, could the people of Ireland

be

be virtuous enough to adhere to the uſe of their own manufactures only, and confine within themſelves not only that money which was expended in Britiſh luxuries, but, by extending the ſale of their own manufactures, and not importing any foreign article, they might, in ſome degree, compenſate for their former loſſes, atone to themſelves the wrongs which they had borne, and give proofs of their being ſenſible of the accumulated diſtreſſes heaped upon them by a falſe policy and ignorant Miniſters. This, however, they were prevented from, at that time, by the activity of their venerable countryman, Lord Nugent, whoſe memory will be regarded here while Ireland and Iriſhmen exiſt. To this attention of their patriotic friend, the promiſes of Lord North were joined; but when, in the laſt ſeſſion of the Engliſh Parliament, they found that the duplicity of the Miniſter was to be continued, and that he was determined

mined to preſerve a conſiſtency *, though he might want a uniformity of character, and that the only ſteps taken, in their behalf, were inſults † on their diſtreſſes, and jeſts upon their misfortunes, thoſe who ſuffered moſt among the Iriſh became firſt active. Accordingly, we find the firſt reſolutions of forbearing the uſe of Britiſh goods took riſe in the county of Galway, where they entirely depend upon grazing, and from thence have pervaded the ſeveral parts of the kingdom, as the diſtreſſes of each place were more or leſs aggravated: however, they are now ſo far confirmed, that univerſal orders of forbearing to ſend goods here have been ſent to the Engliſh merchants by their Iriſh correſpondents,

* Qualis ab incœpto proceſſerit & ſibi conſtet—*Hor.*

† The acts for encouraging the growth of tobacco and hemp. The former is an abſolute nullity, as the wetneſs of the country renders the preſervation of tobacco in Ireland impoſſible; and the latter, they ſay, is equally uſeleſs, unleſs, as a joker here ſaid, it were to be impartially adminiſtered, according to their deſerts, to the preſent Adminiſtration.

and

and all orders given to them previously to these regulations have been withdrawn; and the names of all who persist to act in contradiction to these resolutions, are published in all the news-papers, as enemies of their country, which is, in effect, giving them up to the rage of the unhappy populace, whose extreme necessity urges them to the most violent acts of resentment against those whose conduct they set down as a cause of their extreme poverty.

I have now laid down before your Lordship, from the best information in my power, the causes of these resolutions; and there is a kind of political analogy, which reasons from like causes to like effects, and may probably lead your Lordship to draw similar conclusions from beginnings so very like those in America.

I have the honour to be,

My Lord, &c.

LET-

LETTER VI.

Galway, July 12, 1779.

MY LORD,

A Suppoſition that, in the deciſion of the queſtion with regard to proclamations, Mr. Grattan's explanation of the law was outnumbered by Court intereſt, not outweighed by ſolid arguments, induced men, who felt the extreme hardſhips of the many prohibitory acts, with regard to Ireland, which help to ſwell the Statute-Book of England to its preſent enormity, to inquire, as theſe ſtatutes have all been recently made, upon what ground they founded this claim of binding Ireland by acts of the Engliſh Parliament. To the examination of this queſtion they were perhaps led by the activity of one of thoſe ſervants of Miniſtry *, who,

* Mr. R—gb—y is Maſter of the Rolls in Ireland; a ſinecure.

over-

over-ready for the dirty work of Administration, advance unrequired on the forlorn hope, and perform works of supererogation; for, had the Right Honourable Gentleman, to whom I allude, not been so fond of shewing himself equally distinguished for senatorial abilities as for his successes in athletic combats, he might, with the silent contempt of this nation, have eaten her wages in indolence; but, having added ingratitude to his other vices, and stabbed at the hand that reached him support, he cannot wonder at the hatred of Ireland, for to notice she must hate him; and, by his conduct, with regard to her, he has brought himself from obscurity, like some of those names of antiquity whom we remember for their baseness.

With men of little learning, a printed book stands as authority; with men of little law-learning, Blackstone's Commentaries stand paramount to Littleton or Plowden: but

but, as our Right Honourable ſenator, building upon this authority, has aſſerted that Ireland, as to legiſlation, is bound by England, I doubt whether he knows that even Sir William does not contend for every one of his dicta being law, or, I preſume, even he would heſitate to ſport with the liberties of a people ſmarting with wrongs, though ſeemingly inſenſible of their injuries, leſt he ſhould awake them, and make them at once ſenſible of their dignity, their rights, and their ſtrength.

The learned Judge has done a great deal, yet he has modeſtly declined uniting his name to thoſe venerable titles of law authority, to which a ſeries of years has taught the ſtudent to refer, to which he looks up, and whoſe eminence he venerates.

In the Preface to his Analyſis, Sir W. B. cites, as he calls him, his Maſter Lyttleton, as a proof of his heſitating to pronounce that whatever he ſays is law. "Je ne voile, que tu crez que tout ceo que

"je ay dit en lez dites lyvers ſoit ley,
"quar jeo ne ceo voile emprendre, ne
"preſumer ſur moy. Neint moyens co-
"ment que certein choſes queux ſont
"motes & ſpecifies en lez dites ly vers ne
"ſent pas ley uncore tiels choſe ſerront
"toy plus apte & able de entendre & ap-
"prendre lez argumentes & lez reyſon
"del ley."

Blackſtone, Analyſis from Epilogue to Lyttleton's Tenures.

But, had not the learned Judge thus apologized for the caſual errors which human frailty and human ignorance are incident to, ought not men to examine his doctrines thoroughly before they fully aſſent to them, and only give them faith, as they are marked with the characters of truth.

The ingenious author * of a late very elegant publication † on your ſide of the water, with which I have been favoured by

* Charles Francis Sheridan, Eſq.

† Obſervations on the doctrine laid down by Sir William Blackſtone, reſpecting the extent of the power of the Britiſh Parliament, particularly with regard to Ireland.

by your Lordſhip's kindneſs, has clearly ſhewn the inconſiſtencies and incongruities of the learned Judge, where the liberties of a people are to be treated of; and, had that gentleman gone as deeply in the argument, as he has ably executed that part of it which he has undertaken, he would have rendered my preſent labour unneceſſary: but, as he has rather regarded the queſtion as it related to the abſtract rights of mankind, he has left an opening for me; and, ſhould I at any time borrow his images, or copy his obſervations, I hope I may be indulged in that liberty, as it is taken for the purpoſe of reviewing this queſtion in all points, and for collecting into one focus every ray of light which the ſubject will admit.

That the people of Ireland were ſubjected by acts made by the Britiſh Parliament, previouſly to 6 George I. cap. 5, was never *parliamentarily* aſſerted by the Engliſh; and, whenever that doctrine was *privately* laid down by any of their lawyers, it was uniformly oppoſed, and conſtantly con-

contradicted by the Iriſh. If they were right in this conteſt, there is no magic in that act of parliament to aboliſh their former rights, eſpecially as that act wants that eſſential virtue which confers validity upon all law,—the conſent of the people to be bound by it, either by themſelves or their repreſentatives.

Antecedent to this act of 6 Geo. I. the claims of this ſuper-eminence of the Britiſh Parliament aroſe either from *conqueſt* or *compact*. I ſhall briefly endeavour to prove that the firſt never took place, and that whatever compact or agreement was made between the people of Ireland and the King of England, was upon a footing of equality, and directly contradictory to any ſuch pretended ſuperiority: or, if a conqueſt did ever take place, there are no claims made under that idea, but what are contradictory to the laws of nature and reaſon; and, if any compact were made by the ancient Iriſh to the prejudice of their poſterity, ſuch compact cannot be

be binding upon their ſucceſſors, the preſent inhabitants of Ireland *.

Conqueſt, if meant to expreſs that ſpecies of conqueſt by which a right of legiſlation is acquired, is "*an acquiſition of a country by that force of arms, to which force of arms has been likewiſe oppoſed.*" But that no ſuch conqueſt took place, from the firſt deſcent of Strongbow, in the reign of Henry II. to the laſt Iriſh treaty at the ſiege of Limerick, is evident. The firſt expedition of the Engliſh into Ireland took riſe from an application made to that Prince by Dermot M'Morrogh, Prince of Leinſter; a man infamous for cruelty, debauchery, and oppreſſion, and expelled from his throne and kingdom by the neighbouring princes, for his mal-adminiſtration. Henry, though willing to reap advantages from theſe diſtreſſes which M'Morrogh had drawn upon himſelf by his incapacity, was yet unable

* Locke on Government paſſim.

able to afford him the ſolicited aſſiſtance, on account of the wars in which he was then engaged in France. However, in thoſe days of feudal dominion, when each Lord was a little Sovereign, a ſmall encouragement, with a licence of their Liege, generally rouſed ſome of thoſe Barons, whoſe neceſſities had fitted them for adventure, to hunt for fame and fortune, and ſeek for private ſettlements, not frame public colonies. With letters patent, licenſing the ſubjects of Henry to aſſiſt M'Morrogh in the recovery of his dominions, he went from France to England. To theſe licenſes Dermot added large promiſes; in conſequence of which, Richard, Earl of Strigul, commonly called Strongbow, and Robert Fitz Stephen, agreed to give him aid: the firſt, allured by the aſſurance of M'Morrogh that he would give him his eldeſt daughter in marriage, and his kingdom on his demiſe; the laſt, on condition of a grant of the city of Wexford, and ſome lands adjacent,

jacent to him, and Maurice Fitz-Gerald, his companion *.

The proſperity of theſe adventurers muſt evidently have reſulted rather from treaty than hoſtilities. War had not, at that time, become a ſcience; and ſucceſs muſt attend the multitude, when a ſuperiority of ſkill and adroitneſs is not with ſmaller force. When men had advanced much farther in military diſcipline than at that time, the London 'prentices dared to oppoſe the army of Charles I. and kept them at bay: can it then be ſuppoſed, that the few, however intrepid, retainers of Strongbow, Fitz-Stephen and Fitz-Gerald, could be equal to a national conqueſt?

That they were ſucceſsful in reſtoring M'Morrogh to his crown, and in quelling the inſurgents in his dominions, is, however, true: and, in conſequence of theſe

* Girald. Cambrenſ. lib. I. chap. i. —— Lyttleton, Hen. II. —— App: to 3d and 4th Vols. Leland's Hiſt. Ireland, b. I.

these happy events, Richard Earl of Strigul was married to his daughter, agreeably to the compact made between them, and succeeded Dermot in his kingdom; Fitz-Stephen and Fitz-Gerald likewise obtaining the lands they had bargained for.

Henry, informed of the good fortune of his subjects, a little after went with an army into Ireland, and there obtained from Richard a surrender of the city of Dublin, its vicinage, and such of the maritime towns and castles as were under the dominion of Strongbow; to whom Henry guaranteed the enjoyment of the residue of Dermot's principality. Henry likewise received the homage of the Kings of Cork, Limerick, Ophally, Uriel, Meath, Connaught, &c. *sponte*, as Giraldus Cambrensis expressly says, *of their own accord*. And this free surrender is described in similar terms by *Hoveden*, *Matthew Paris*, *Brompton*, &c.

By what species of logic such a quiet acquiescence

acquieſcence under the dominion of a King, and ſuch a tame ſubmiſſion to his laws, which one of the above hiſtorians ſays were *gratanter receptæ*, can be called a conqueſt, I am at a loſs to determine; for it certainly can have no foundation in truth or juſtice.

It has been aſſerted, that this claim of ſuperiority has owed its riſe to the ſuppreſſion of rebellions, which have been numerous and repeated in Ireland. If ſuch a claim had any foundation in eſtabliſhing the rights of ſovereignty, how much more juſtly might, alternately, the Houſes of *York* and *Lancaſter* have demanded it: and there were not wanting politic princes of either Houſe to ſee and ſeize ſuch an advantage, if it could confer any lawful qualifications on them. Yet, ſo hateful was ſuch an idea, as well as the name of conqueror, in England, that even that crafty monarch, *Henry the Seventh*, choſe rather to borrow his claim to the crown from the family he hated, than to pretend

to a right reſulting from ſo invidious a title as the ſuppreſſor of rebellions, or the conqueror of the people: and it is evident to thoſe who are at all acquainted with the Hiſtory of Ireland, that, had the PROTESTANTS of that country, in after-times, joined their force with thoſe of the Catholics, the kingdom might have been delivered up to either *James* or *Lewis*, inſtead of King *William III.*: but, deſcended from anceſtors who brought with them the manners, cuſtoms, laws, and conſtitution of England, and communicated them to the wild, ferocious natives of Ireland, they were determined to ſupport, as they were certain they ſhould retain theſe advantages, and preſerved that kingdom to be diveſted of theſe liberties by that houſe which they helped to eſtabliſh.

But, ſuppoſing any conqueſt, at any time, to have taken place, *what title give the laws of nature and reaſon to conqueſt?*

It will be readily granted, that, if an

invaſion

invaſion be *unjuſt*, the invader gains no right by the dominion which he has thus uſurped over the conquered. But let us ſuppoſe a juſt invader. What are his rights, and over whom? Surely, he gains no powers over thoſe who conquered with him, different from that which he exerciſed previouſly to his conqueſt, and the companions or ſubjects, who aſſiſted him in his warfare, have not changed their ſituation by their aſſiſtance, but retain the ſame degree of freedom or vaſſalage which they were held in antecedent to the war. And it is evident that the majority of the *preſent* poſſeſſors of *Ireland* are the progeny of *Engliſh* adventurers, who came from *Britain* at different times, and are therefore by no means included in theſe ideal powers of the conqueror, nor at all diveſted of their birth-rights, as *Engliſhmen*, by croſſing *St. George's Channel*. Thus, as the aſſociates or confederates in a juſt conqueſt can loſe none of their rights thereby, neither

ther can thoſe who have not been guilty of oppoſition; for the idea of conqueſt is grounded upon ſuch a refuſal of juſt rights, as neceſſarily compels the conqueror to aſſert this claim by force of arms, and to which force, brutal force has been oppoſed by the conquered: for force, according to *Cicero*, is the deciſion of beaſts, not men. "Cum ſint duo ge-
"nera decertandi, unum per diſceptatio-
"nem, alterum per vim; illud proprium
"hominis eſt, hoc belluarum: nec con-
"fugiendum eſt ad poſterius, niſi ubi uti
"non licet ſuperiore, ſemperque paci
"conſulendum. Quare ideo tantum ſuſ-
"cipienda bella ſunt ut ſine injuria in
"pace vivatur." *Cic. Off. lib. I.*

And as thoſe, who have not been guilty of oppoſition, cannot be included in the power of the conqueror, by a parity of reaſoning, the poſterity even of the conquered, in whom ſuch a brutal oppoſition was impoſſible, cannot have loſt any of thoſe privileges which Nature has made

made the common birth-right of all men. I ſhall no longer treſpaſs on your lordſhip with proofs of things ſo ſelf-evident that a further diſcuſſion would be an inſult to your underſtanding; but will refer your Lordſhip, if your curioſity ſhould incline you to ſee this ſubject more fully treated, to the Letters of Guatimozin, lately publiſhed here in the Freeman's Journal; to Mr. Sheridan's pamphlet, which I before cited; and to a pamphlet publiſhed in Ireland in 1698, called, The Caſe of Ireland being bound by Acts of Parliament in England, ſtated by William Molineux, of Dublin, Eſq. This laſt very ingenious compoſition may be truly called the *manual of Iriſh liberty*, and is replete with the beſt ſenſe and juſteſt arguments.

I have the honour, &c.

LET-

LETTER VII.

Corke, July 16, 1779.

MY LORD,

SIR William Blackſtone ſays, "The "original and true ground of the ſuperi- "ority of Britain over Ireland is what we "uſually call, *though ſomewhat improper-* "*ly*, the right of *conqueſt*; a right allow- "ed by the law of nations, if not that of "nature, but which, in reaſon and civil "policy, can mean nothing more than "that, in order to put an end to hoſtili- "ties, a compact is either *expreſsly* or *ta-* "*citly* made between the conqueror and "the conquered, that, if they will ac- "knowledge the victor for their *maſter*, "he will treat them for the future as "ſubjects, and not as enemies." If he has not, in this ſentence, reprobated the idea of conqueſt, I have the misfortune of not underſtanding the learned judge; for he ſays, that we improperly call it the right

right of conqueſt; and he allows that right to be contrary to the law of nature, but endeavours to juſtify, or at leaſt palliate it, under the ſanction of the law of nations. Indeed, I thought it was the glory of our laws to differ from the codes of other nations, in having regard to the rights of humanity, and the laws of nature: but, granting all this ſanctity to the law of nations, and rights of conqueſt, which they all can claim, are there not bounds to the power of the conqueror in theſe contracts and agreements, which he himſelf has made with the conquered; and is he not obliged to preſerve thoſe grants, which, though at firſt conceſſions to, have become the rights of, his ſubjects; and to which conceſſions a conqueror is obliged, "Conqueſt being," according to Monteſquieu, "a neceſſary, "lawful, but unhappy power, which "leaves the conqueror under an heavy "obligation of repairing the injuries "done to humanity."

Now,

Now, it is evident from Giraldus Cambrenſis, and the other contemporary hiſtorians, that the people of Ireland contracted with Henry II. "to enjoy the "like liberties and immunities, and to "be governed by the ſame laws, civil "and religious, as the people of Eng-"land." And they cannot be ſaid to enjoy the ſame laws, if their Parliament be ſubſervient to the Parliament of England; or, which is the ſame thing, if the Parliament there can make laws to bind the Iriſh. Such an hypotheſis, at the period of receiving Henry as their liege, had never been entertained either by that prince or the Iriſh; for we find him, in the 23d year of his reign, conſtituting his younger ſon John, *King*, by the name of *Lord* of Ireland, which was the ſtile of that ſovereignty till the 33d Henry VIII. when the Iriſh Parliament, by an act paſſed in Ireland that year, (cap. i.) changed the title of *Dominus* to that of *Rex Hiberniæ*.

Richard,

Had then *Richard*, or *Geoffrey*, or *Arthur* the ſon of *Geoffrey*, ſucceeded *Henry* in his Britiſh and French dominions, and continued in the poſſeſſion of them by their iſſue, would not Ireland have remained a diſtinct, ſeparate kingdom, detached from Britain, though enjoying ſimilar laws, and their King equally allied to the crown of England, as the King of Spain is now to the French Monarch? On the union of both kingdoms in the perſon of John, by the murther of Arthur, he granted to the Iriſh * that they might be judged according to the laws of England: and, if we this day may gueſs at the manner in which this privilege was gained from a monarch ſo very unfriendly to liberty, we cannot ſuppoſe it a voluntary conceſſion, eſpecially if we remember the early diſlike that prince had to the Iriſh; for one of the hiſtorians informs us that he treated their great men,

* Ponens vicecomites alioſque miniſtros qui populum regni illius *juxta leges Anglicanas judicarent*.

Mat. Paris, p. 220.

who waited on him on his firſt arrival in this kingdom, with all the wantonneſs of youthful inſolence, on account of *the ruſticity of their habit, and the uncomely appearance of their long beards.*†

In the firſt year of the reign of his ſon and ſucceſſor, Henry III. a *Magna Charta*, conformable, in all its material points, to the Engliſh great charter, was granted to the Iriſh: ſo that the title of the Iriſh to the advantages of this greateſt of Britiſh privileges, are, in point of time, prior to thoſe of the Engliſh, who received that foundation of their liberties in the 9th of Henry III.: and we know that theſe liberties of Engliſhmen, granted by this charter, are thoſe of being governed by the laws to which they have conſented by their repreſentatives in parliament. The doctrine of legiſlation and repreſentation being inſeparable, has already coſt Britain too much blood and treaſure to be again brought to the diſcuſſion of the ſword:

† Girald. Cambrenſis Hib. expug. cap. 35.

ſword: for, I believe, Iriſhmen have virtue or hardineſs enough to aſſert, at all hazards, an independence on the Britiſh Parliament, though they confeſs ſubjection to the ſame ſovereign; for the moſt popular arguments here now are, "If "there were no hopes left for ſucceſsful "reſiſtance to the controul exerciſed over "Ireland by the uſurpation of the Parli-"ament of that kingdom; and if there "were evidence that it was the fixed de-"cree of fate that this nation ſhould re-"main in its preſent ſlavery,—it is the "duty of every virtuous Iriſhman to "wiſh to ſee the Britiſh conſtitution de-"ſtroyed, and the King of England ab-"ſolute, becauſe the condition of an Iriſh-"man would be bettered by the change*."

Since the days of Henry III. no ſtatute-law, or act of parliament, made in England, had any authority here, until the 10th of Henry VII.: for, if they were of any force previouſly to that act, to what

* Vide Letters of Guatimozin.

what purpoſe was that law made in Ireland, ſo well known here by the name of Poyning's Law, which declares, that all the acts of the Britiſh Parliament, which had been enacted before that ſtatute, ſhould, in future, be of force in that kingdom. Is it not the faireſt implication to ſay, that they were of no force in Ireland until they had received this confirmation by the Parliament of this nation? and this implication is conformable to the opinion of lawyers, and the deciſion of judges.

Lord Coke, in 7 Rep. Calvin's Caſe, cites year-books and reports (vide note *), proving Ireland to be a ſeparate dominion; and, among the reſt, ſays as follows, from 2d Richard III. f. 12. "Hi-"bernia habet parliamentum, & faciunt "leges, & noſtra ſtatuta non ligant eos, "quia non mittunt milites ad parliamen-"tum;" and foiſts in a parentheſis this opinion of his own, which is not in the year-book, ("which is to be underſtood, unleſs ſpecially

* 20th Henry VI. 8 Pilkington's Caſe; 32 Henry VI. 25; 20 Eliz. Dyer, 360 Plowden's Commentaries.

ſpecially named"): and then goes on, "Sed "perſonæ eorum ſunt ſubjecti regis, ſi- "cut, inhabitantes in Caleſia, Gaſconiæ, "& Guyan." To this unfairly-cited opinion *, indeed, he gives ſome degree of plauſibility, in the ſame caſe, fol. 176, where he ſays, "that, though Ireland be "a diſtinct dominion from England, yet "the title thereof being by conqueſt, the "ſame, by judgment of law, might by "expreſs words be bound by the Parlia- "ment of England." But what does my Lord Coke mean by *judgment* of law? Is it the *law of nations*, or the *municipal law* of our commonwealth? I hope I have proved, in the firſt inſtance, that it is

* Et ibi quoad primam queſtionem dicebant quod terr. Hibern. inter ſe habet Parliamenta, & quandocunque cur. protul. in Angl. per idem parliamentum *faciunt* leges & *mutant* leges & non *obligantur per ſtatuta in Anglia, quia non hic mittunt milites Parliamenti*, ſed hoc intelligitur de tertis & rebus in terris illis tantum efficiendo; ſed perſonæ eorum ſunt ſubject. regis, & tanquam ſubjecti erunt obligati ad aliquam rem extra terram illam faciend. contra ſtatut ſicut. habitantes in Caleſia, Gaſcoigne, Guin, &c. dum fuere ſubjecti & obedientes erunt ſub Admiral. Angl. de re fact. ſuper alienam mare & ſimilia. breve de errore eo judicium reddit. in Hibern. in banco reg. hic in Angl.

T. B. 2 Rich. 3, fol. 12.

is contrary to the *law of nature*. In the *law of nations* the conſent only of thoſe to be governed gives them this ſanction; and, in the preſent caſe, that conſent is allowed to be wanting. And, in the caſe cited by his Lordſhip, the *common law* reprobates this doctrine, by the mouths of the twelve Judges, who declare, that "the Engliſh Parliament can have no "juriſdiction over Ireland within that "land;" *quia Hibernia non mittit milites "ad parliamentum in Anglia.*" And it was likewiſe ruled in Pilkington's caſe, Y. B. 20 Hen. fol. 8, "That if a tenth "or fifteenth be granted by Parliament "in England, that ſhall not bind in Ire-"land, except they in Ireland ſhall ap-"prove it, *becauſe they have not any com-"mandment to come to the Parliament in "England.*"

We therefore find by records, when Britain wiſhed to extend her taxes over to Ireland, it was the cuſtom of antiquity to ſummon the repreſentatives from the

the different parts of that kingdom to attend that aſſembly, to conſult de arduis rebus regni. (Vide Summons in Leland's Hiſtory of Ireland, App. to Vol. I.)

Thus, my Lord, ſtood ſtatute law, common law, and cuſtom, until the time of paſſing the 6th of George I.—an early inſtance of the gratitude of the illuſtrious Houſe of Brunſwick to the people of Ireland. Called to the Crown of Britain by parliamentary authority, though not ſo nearly allied in blood as other families to the abdicated race, that family was preferred becauſe they were Proteſtants, becauſe they were of ſmall continental importance, of known moderation, and therefore more likely to be content with the moderate ſhare of power allowed by our laws. Ireland, from the ſame motives, recognized the rights of that family by a ſolemn act, totally diſtinct from that of England, and had reaſon to hope for a pure, uninterrupted enjoyment of her civil liberties under ſuch worthy patrons.

Had

Had Hanover, which has coſt England more money in a ſummer than Ireland has done ſince the reign of Henry II. (as ſhe has the advantage of having the ſame gracious ſovereign with Ireland,) been neglected by her Elector, her ancient and fundamental laws trampled on, her revenues idly diſſipated by a weak and blundering Britiſh Adminiſtration, would ſhe bear it patiently, or would ſhe not ſeek redreſs from the friendſhip and juſtice of other powers? At what time has Scotland wanted a race of ſelf-devotees to the independency of that country? Whenever the gentry of that kingdom have thought themſelves neglected, and their ſervices unrewarded, was there ever wanting a band of heroes who turned out for redreſs; who, ſcorning the unavailing mode of petition or remonſtrance, have generally proved inſurrection the moſt powerful argument with their timid neighbours? And, I make no doubt, if they ſhould, at any time hereafter, live

under

a prince leſs diſcerning of their merit than his preſent Majeſty, we will find that this hardy race of inſurgents is not extinct, and ſee their demands made as gallantly as heretofore? And may we not with juſtice expect, that theſe meaſures, which have been ſo ſucceſsful with with them, will be adopted here, eſpecially when furthered by the aſſiſtance of France or Spain, whoſe inclination, as well as intereſt, leads them to excite the Iriſh to ſuch an attempt.

I have the honour, &c.

LETTER VIII.

Cork, July 27, 1779.

MY LORD,

IN the Commentaries, the learned Judge has compared the laws of England to an ancient pile of building, with many useful and good chambers, though the entrances are inconvenient and circuitous. In the fitting of them up according to a more modern taste, his desire to hide some of the strong bulwarks, and moated arches, which support our liberties, has made him so profuse of labour or ornament, that the endeavours to conceal, make them become more conspicuous.

What cabalistical virtue is there in an act of parliament made by the representatives of a part of the people, that can bind another part who are unrepresented in that assembly, and who deny the claims of this authority, because they have a legislative assembly of their own, better capable of judging of their interests,

eſs, and more cloſely allied to them, as they participate of the burdens which they impoſe upon them? This act, which firſt binds Ireland, was made in conſequence of the Iriſh denying any ſuch right to be veſted in the Parliament of England; and, in that inſtance, that legiſlative aſſembly, contrary to the uſage of Britons, or to the common practice of law or equity, became at once party and judge in a cauſe which they decided in their own favour.

Sir William Blackſtone has been, perhaps, induced to attribute more force to this act, from ſuppoſing it to have been a right of the Britiſh Parliament previouſly to that act; and may have been led to this opinion by perceiving, as it appears at firſt view, that the Court of King's-Bench here is ſubordinate to that Court in England. But, had that learned gentleman reflected, that a Writ of Error is not brought before the Judges of that Court, but before the King himſelf, and

that

that when that Court was not ſtationary; for the writ orders the caſe in error to be brought "coram nobis ubicun-"que fuerimus;" may we not, without any appearance of improbability, ſuppoſe that Writs of Error have been brought from England to the King himſelf in Ireland, when he happened to be there, and preſided in that Bench, as Kings did formerly, though the fluctuation of Iriſh affairs, and the deſtruction which befel the records of that kingdom, prevent us from aſcertaining the fact. This will appear to have ſome force, when we reflect, that the Chancery, or Parliament of England, never interferred with the decrees of the Iriſh Chancery before that memorable ſeſſions of the 6th George I, in the caſe of Sherlock and Annesly, which met with that manly oppoſition of the Iriſh Houſe of Lords that marked the generous characters of freemen who were not forgetful of the anceſtors they ſprung from. But, had the acquieſcence

of

of the parties received the ſanction of the legiſlature in Ireland, and had this firſt reverſal of an Iriſh decree been totally uncontroverted there, yet, as it marks the firſt uſurpation of a cuſtom, it is *felo de ſe* of that cuſtom; for "Cuſtoms que "commence per tort & uſurpation & "nemy per voluntary conſent del people "ſont unreaſonable & void en ley." *Dav. Rep.* 33.

The right of the Peers here to conſtrue their own laws, is ſurely founded on the ſtrongeſt principles of common ſenſe; for vicinity and intercourſe muſt give them a better chance of being acquainted with the matter in diſpute, the characters of, and, not unfrequently, the very right of the diſputants. "Judex bonus juxta le-"ges & jura pronunciat." And there is no reaſon why a Britiſh Peer, even granting him perfectly ſkilled in his own laws, ſhould be as thoroughly converſant in the laws of Ireland as the Peers of that kingdom. There can then be no ſufficient

cauſe

cause for drawing such great sums of money in the prosecution of appeals from this unhappy country, unless the affair is considered in a commercial light, and the distribution of justice be esteemed a material of trade; and that the balance must be preserved against Ireland in this as in every other article.

Having, my Lord, I hope, established the justice of the refusal of acquiescence by the Irish to the claims of the English Parliament, as to superiority, it becomes my duty to point what my countrymen expect, and intend vigorously to demand; —a formal renunciation of those unjust claims of Great Britain, and a permission to exercise those advantages which God and Nature have conferred on Ireland: in the first instance, a repeal of those impolitic laws which have been made at the instance of Ministers, ignorant of the first rule of politics, to prefer the greater part to the smaller; which laws they were perhaps situated to make, or to retain unrepealed,

peaked, that they might ſecure the vote of a ſingle member, the circumſtances of whoſe eſtate may require a ſacrifice of the trade of that moſt reſpectable part of the Britiſh empire.

They know that the Engliſh nation would not oppreſs the Iriſh; and they attribute their diſtreſſes to the weak and wicked councils of Engliſh Miniſters, whoſe churliſh policy will not permit Ireland to carry on part of a trade, the whole of which England is unable to maintain.

Thus, my Lord, I have ſtated to you my thoughts, and the arguments reſulting from my reading and inquiry. I may differ from your Lordſhip; and you will perhaps condemn me for joining in thoſe opinions which are now become popular here; but, when your Lordſhip reflects that truth, juſtice, and (that ſtrongeſt of all affections) the love of my country, ſtand paramount to every other obligation, your Lordſhip will excuſe any want

of

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